

REMARKS

Claims 19-25 and 34-39 are pending, but stand rejected. In view of the following remarks, the Applicant requests the Examiner's thoughtful consideration.

REJECTIONS UNDER 35 USC §103: Claims 19-25 and 34-39 stand rejected under 35 USC §103(a) as being unpatentable over USPN 6,664,969 issued to Emerson in view of USPN 6,882,755 issued to Silverstein.

Silverstein is disqualified as prior art under 35 USC §103(c). According to section 103(c)(1): Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The present application was filed October 31, 2001. Silverstein, while filed October 19, 2001, was not published until April 24, 2003. Consequently, Silverstein can qualify as prior art only under 35 USC §102(e). Pursuant to Section 103(c), therefore, Silverstein does not qualify as prior art under Section 103(a).

As evidence of common ownership, Hewlett-Packard Development Company owned Silverstein and the present Application at the time of the invention, as is evident from the assignments of Silverstein and the assignments of this application. Silverstein's assignments were recorded as follows:

- October 28, 2002 at reel/frame 013445/0556 to Hewlett-Packard Company;
- April 24, 2003 at reel/frame 013989/0801 to Hewlett-Packard Company; and
- September 30, 2003 at reel/frame 014061/0492 to Hewlett-Packard Development Company, L.P..

Assignment for this Application were recorded as follows

- February 12, 2002 at reel/frame 012600/0991 to Hewlett-Packard Company; and
- September 30, 2003 at reel/frame 014061/0492 to Hewlett-Packard Development Company, L.P..

As Silverstein is disqualified as prior art, the Examiner has failed to establish a prima facie case for obviousness. Consequently, Claims 19-25 and 34-39 are patentable over the cited references.

CONCLUSION: The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,
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